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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

MEDICAL CAPITAL HOLDINGS,
INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
FIELD; and JOSEPH J.
LAMPARIELLO,

Defendants.

Case No.

SACV09-818 DOC(RNBX)

COMPLAINT FOR VIOLATIONS
OF THE FEDERAL SECURITIES
LAWS

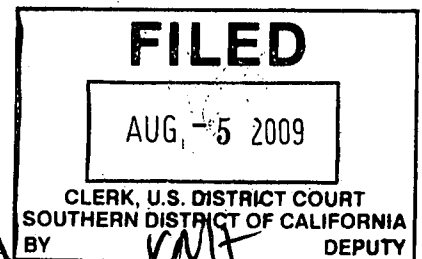
'09 MC 0626

Plaintiff Securities and Exchange Commission ("Commission") alleges as follows:

SUMMARY

1. This matter concerns fraud in the offer and sale of a \$76.9 million in securities in the form of notes by the Defendants: Medical Capital Holdings, Inc. ("MCHI"); Medical Capital Corporation ("MCC"); Medical Provider Funding

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA



1 Corporation VI ("MP VI"); Sidney M. Field; and Joseph J. Lampariello. MCHI is a
2 medical receivables financing company that operates through MCC, its wholly-
3 owned subsidiary, to administer several Special Purpose Corporations ("SPCs"),
4 including MP VI. Defendants Field and Lampariello are directors of MCHI, MCC,
5 and MP VI, with Field also serving as the Defendant entities' Chief Executive
6 Officer ("CEO") and Lampariello serving as their president and Chief Operating
7 Officer ("COO"). Since 2003, MCHI, MCC, Fields, and Lampariello have raised
8 over \$2.2 billion through offerings of notes in MP VI and five other similarly
9 structured SPCs. As of March 31, 2009, MP VI and its affiliated SPCs have over
10 \$1 billion in notes outstanding and, since August 2008, five of the SPCs have been in
11 default or late in paying principal and/or interest on \$992.5 million in notes.

12 2. The Defendants are committing fraud in the offer and sale of MP VI
13 notes. As of June 19, 2009, the Defendants misappropriated approximately
14 \$18.5 million of the \$76.9 million raised through the sale of MP VI notes to pay
15 administrative fees to MCC. These fee payments were contrary to representations
16 in MP VI's original private placement memorandum ("PPM"), which stated that
17 administrative fees would not be paid out of the offering proceeds, as well as
18 representations in MP VI's May 27, 2009 supplemental PPM ("Supplemental
19 PPM") that less than \$4 million of offering proceeds had been used for purposes
20 other than purchasing accounts receivables. The Defendants also misrepresented
21 that none of the SPCs affiliated with MP VI had defaulted on, or been late in
22 making payments of, principal and/or interest to their respective investors. In fact,
23 two MP VI-affiliated SPCs began defaulting on interest and/or principal payments
24 in the same month that MP VI began its offering, and recently two other MP VI-
25 affiliated SPCs have defaulted or been late in making interest payments.

26 3. The Defendants, by engaging in the conduct described in this
27 Complaint, have violated, or aided and abetted, and unless enjoined will continue
28 to violate, or aid and abet, the antifraud provisions of the federal securities laws.

1 By this Complaint, the Commission seeks emergency relief against the Defendants,
2 including a temporary restraining order, an asset freeze against MCHI, MCC, and
3 MP VI, the appointment of a receiver, an order prohibiting the destruction of
4 documents, an order expediting discovery, and accountings, as well as preliminary
5 and permanent injunctions, disgorgement with prejudgment interest, and civil
6 penalties.

7 JURISDICTION AND VENUE

8 4. This Court has jurisdiction over this action pursuant to Sections 20(b),
9 20(d)(1) and 22(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C.
10 §§ 77t(b), 77t(d)(1), and 77v(a), and Sections 21(d)(1), 21(d)(3)(A), 21(e), and 27
11 of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §§ 78u(d)(1),
12 78u(d)(3)(A), 78u(e), and 78aa. The Defendants have, directly or indirectly, made
13 use of the means or instrumentalities of interstate commerce, of the mails, or of the
14 facilities of a national securities exchange in connection with the transactions, acts,
15 practices and courses of business alleged in this Complaint.

16 5. Venue is proper in this district pursuant to Section 22(a) of the
17 Securities Act, 15 U.S.C. § 77v(a), and Section 27 of the Exchange Act, 15 U.S.C.
18 § 78aa, because certain of the transactions, acts, practices and courses of conduct
19 constituting violations of the federal securities laws occurred within this district,
20 and all of the defendants reside and/or are located in this district.

21 DEFENDANTS

22 6. Medical Capital Holdings, Inc. is a Nevada corporation with its
23 principal place of business in Tustin, California. Through various wholly-owned
24 operating subsidiaries and SPCs, MCHI provides financing to healthcare providers
25 by purchasing their accounts receivables and making secured loans to them.
26 MCHI uses the special purpose corporations to raise money from investors to fund
27 the financings. MCHI uses the operating subsidiaries to underwrite, monitor,
28 administer, and service these financings. MCHI is not registered with the

1 Commission in any capacity. In February 2001, the California Department of
2 Corporations issued a Desist and Refrain Order against MCHI from the further
3 offer or sale of securities in the State of California.

4 7. **Medical Capital Corporation** is a Nevada corporation and wholly-
5 owned subsidiary of MCHI, with its principal place of business in Tustin,
6 California. MCC is the administrator for each of MCHI's SPCs, including MP VI,
7 and provides management, underwriting, and administrative services, such as
8 bookkeeping, payroll, and accounting services, including administration of all
9 investor promissory notes and interest payments. MCC is not registered with the
10 Commission in any capacity.

11 8. **Medical Provider Funding Corporation VI** is a Nevada corporation
12 and wholly-owned SPC of MCHI that was formed in April 2008. From August
13 2008 to the present, MP VI has conducted a note offering and, as of June 19, 2009,
14 it had raised \$76.9 million through the issuance of notes to about 700 investors.
15 MP VI has never been registered with the Commission in any capacity, nor has it
16 registered an offering of securities under the Securities Act or a class of securities
17 under the Exchange Act. Since May 2009, MP VI has been late on interest
18 payments to investors by several days.

19 9. **Sidney M. Field**, age 63, resides in Villa Park, California. Field has
20 been the CEO and a director of MCHI and its subsidiaries during the relevant
21 period.

22 10. **Joseph J. Lampariello**, age 55, resides in Huntington Station, New
23 York, and Newport Beach, California. Lampariello has been the president, COO,
24 and a director of MCHI and its subsidiaries during the relevant period.

25 **RELATED ENTITIES**

26 11. **Medical Provider Financial Corporation I** ("MP I") is a Nevada
27 corporation and wholly-owned special purpose subsidiary of MCHI that was
28 formed in September 2003. From December 2003 to August 2007, MP I

1 conducted a note offering, raising approximately \$554.9 million through the
2 issuance of about 3,821 notes to investors. As of May 31, 2009, MP I had repaid
3 all but \$375,000 of its investors' principal.

4 12. **Medical Provider Financial Corporation II** ("MP II") is a Nevada
5 corporation and wholly-owned SPC of MCHI that was formed in October 2003.
6 From January 2004 to December 2005, MP II conducted two series of note
7 offerings, raising approximately \$251.7 million through the issuance of about
8 3,458 notes to investors. As of May 27, 2009, MP II had \$88 million in
9 outstanding notes and had defaulted in paying \$43 million in principal and
10 \$1.3 million in interest to its investors.

11 13. **Medical Provider Financial Corporation III** ("MP III") is a Nevada
12 corporation and wholly-owned SPC of MCHI that was formed in February 2005.
13 From July 2005 to January 2008, MP III conducted two series of note offerings,
14 raising a total of about \$522.7 million by issuing 5,318 notes to investors. As of
15 March 31, 2009, MP III had \$109.4 million in outstanding notes, and as May 27,
16 2009, MP III had defaulted in paying principal on \$26.5 million in outstanding notes.

17 14. **Medical Provider Financial Corporation IV** ("MP IV") is a Nevada
18 corporation and wholly-owned SPC of MCHI that was formed in July 2005 and
19 commenced operations in October 2006. From November 2006 through February
20 2008, MP IV conducted two series of note offerings, raising a total of \$401.3
21 million by issuing 4,222 notes to investors. As of May 27, 2009, MP IV had \$400
22 million in outstanding notes and defaulted in interest payments in January 2009
23 and since March 2009.

24 15. **Medical Provider Funding Corporation V** ("MP V") is a Nevada
25 corporation and wholly-owned SPC of MCHI that was formed in September 2007.
26 From November 2007 to about July 2008, MP V conducted a note offering, raising
27 \$401.8 million by issuing 4,323 notes that begin to mature in November 2009. As of
28 March 31, 2009, MP V had \$401.1 million in outstanding notes issued to 4,270

1 investors. In May 2009, interest payments to investors were delayed by several days.

2 **THE FRAUDULENT SCHEME**

3 **A. MCHI's Business and SPC Note Offerings**

4 16. MCHI provides financing to healthcare providers by purchasing
5 their accounts receivables and making secured loans to them. MCHI funds its
6 healthcare financing by offering notes issued by its SPCs. Since December
7 2003, MCHI has raised approximately \$2.2 billion from over 20,000 investors.
8 MCHI uses its operating subsidiary MCC to administer each of the SPCs,
9 providing management, underwriting, and administrative services, such as
10 bookkeeping, payroll, and accounting services – including administration of all
11 investor promissory notes and interest payments.

12 17. The SPCs sold the notes through registered broker-dealers to only
13 accredited investors under Rule 506 of Regulation D. 17 C.F.R. §§ 230.501–
14 230.508. In the offerings, the SPCs sold notes with various maturities (one to
15 seven years) and interest rates (8.5% to 10.5%). In the PPMs, the SPCs
16 represented that after paying offering expenses of 4% to 8%, they would use the
17 net offering proceeds to purchase healthcare receivables and make investments in
18 other businesses. The notes are securities in the form of notes as investment
19 contracts.

20 18. The Defendants used substantial amounts of the SPCs' offering
21 proceeds to purchase healthcare receivables and make loans to or investments in
22 healthcare-related businesses. As of March 31, 2009, MCC, as administrator of the
23 SPCs, controlled receivables, loans, or investments owned by the SPCs with a
24 purported total value of over \$1.2 billion.

25 19. Despite raising about \$2.2 billion from investors and controlling over
26 \$1 billion in purported assets, the proposed defendants do not keep the SPCs'
27 financial statements in accordance with GAAP or even keep their accounting
28 records in a manner that would allow GAAP financial statements to be generated.

1 For example, at the time they purchase a batch of receivables, the SPCs record as
2 revenue the amount that expected collections exceed the purchase price and never
3 reconcile actual collections with expected collections.

4 **B. Misrepresentations in the Offer and Sale of MP VI**

5 **1. Misappropriation of Offering Proceeds to Pay Fees to MCC**

6 20. In MP VI's original August 5, 2008 PPM and supplemental May 27,
7 2009 PPM, the Defendants disclosed that MCC would be MP VI's administrator,
8 providing management, underwriting of receivables, and administrative services,
9 such as bookkeeping, payroll, and accounting services. The Defendants also
10 disclosed in the PPMs that MCC received a fee for such services, which was equal
11 to the difference between what MP VI expected to receive from its receivables and
12 loans less operating costs and the notes' aggregate outstanding principal balance.
13 They further disclosed in the PPMs that MCC was an affiliate and that the
14 administrative agreement was not made through independent arm's length
15 negotiations.

16 21. The Defendants, however, represented in the MP VI PPMs, under the
17 heading "Restrictions on Use of Proceeds," that MP VI would not use "any
18 proceeds from the sales of notes to pay administrative fees to [MCC] for the
19 services it provides as administrator" and that that such fees would rather be "paid
20 out of amounts collected from the accounts receivable and proceeds from other
21 investments." They further represented in the PPMs that MP VI believed that the
22 administrative fees paid to MCC would be "no greater than those an independent
23 third-party would charge for providing similar services."

24 22. The Defendants also represented in MP VI's PPMs that the note
25 offering's proceeds would be used to: purchase account receivables; make secured
26 loans; pay sales commissions and other operating costs; provide funds for general
27 operating purposes; and pay principal and interest on the notes.
28

1 23. The Defendants have not used MP VI's offering proceeds as
2 represented in the PPMs and instead have misappropriated a substantial amount of
3 the investors' funds to pay administrative fees to MCC. In fact, as shown on Table
4 1 below, as of June 19, 2009, MP VI's administrative fees exceeded its collections
5 by approximately \$18.5 million in direct contravention to its PPMs'
6 representations that administrative fees would solely be "paid out of amounts
7 collected from the accounts receivable and proceeds from other investments."

8 24. In the May 27, 2009 Supplemental PPM, the Defendants further
9 misrepresented how the note offering's proceeds had been used. Specifically,
10 Defendants represented:

11 As of February 28, 2009, we have issued notes in the face amount of
12 \$69,331,558.90. We have used \$65,558,703.02 of the proceeds to
13 finance accounts receivable. We have applied \$3,264,410.12 to
14 commissions and other expenses. The balance is on deposit in our trust
15 account awaiting additional accounts receivable financing.

16 In fact, as shown on Table 1 below, as of February 28, 2009, Defendants had paid
17 \$21.7 million in administrative fees, which exceeded MP VI's collections by
18 \$16.9 million. In addition, Defendants had actually spent approximately
19 \$48.8 million on receivables, rather than the \$65.5 million represented in the
20 Supplemental PPM.

21 25. The Defendants misappropriation of investors' funds to pay fees is
22 shown on the table below. Defendants took approximately 24% of the amount
23 raised as administrative fees, far in excess of the collections on receivables.

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Table 1: MP VI Actual Administrative Fees Paid

Date	Collections on Receivables	Administrative Fees Paid to MCC	Excess Administrative Fees ¹
Actual as of 2/28/09	\$4.8 million	\$21.7 million	\$16.9 million
Actual as of 6/19/2009	\$6.5 million	\$25 million	\$18.5 million

2. Misrepresentation Regarding Defaults of Other SPCs

26. In MP VI's original PPM, the Defendants disclosed that MP VI had no operating history but represented that MP VI had "several experienced affiliates that ha[d] completed offerings of debt securities backed by accounts receivable," and that the "affiliates ha[d], since 1994, financed accounts receivable having an aggregate face amount of over \$5 billion." The PPM further stated that "[MP VI's] affiliates have never defaulted in the payment of their obligations on those debt securities, and all interest payments on those securities were made when due."

27. In fact, the Defendants knew, or were reckless in not knowing, that during the MP VI offering several of the affiliated SPCs had defaulted on their obligations. The May 27, 2009 Supplemental PPM represents that MP II, MP III, and MP IV are each in default. Indeed, since August 2008 (the same month that the MP VI offering began), MP II defaulted on \$43 million in principal payments and \$1.3 million in interest payments, and MP III defaulted on \$26.5 million in principal payments. MP IV missed interest payments in January 2009 and from March 2009 through the present. MP V has also recently made interest payments late.

¹ "Excess administrative fees" are those fees that exceed the amount MP VI collected on receivables and, therefore, were paid with offering proceeds.

1 28. Although the Defendants notified MP II and MP III investors
2 about the defaults beginning in August 2008, the Defendants did not notify
3 purchasers of MP VI notes about MP VI's affiliates' defaults until about June
4 2009. On or about June 8, 2009, the Defendants sent broker-dealers who had
5 previously sold MP VI notes the Supplemental PPM, which disclosed the
6 principal and interest payment defaults by MP II, MP III, and MP IV.

7 29. At all times, Defendants acted with scienter.

8 **FIRST CLAIM FOR RELIEF**

9 **Fraud In The Offer Or Sale Of Securities**

10 **Violations of Section 17(a) of the Securities Act**

11 **(Against All Defendants)**

12 30. The Commission realleges and incorporates by reference
13 paragraphs 1 through 29 above.

14 31. The Defendants, and each of them, by engaging in the conduct
15 described above, in the offer or sale of securities by the use of means or
16 instruments of transportation or communication in interstate commerce or by use
17 of the mails directly or indirectly:

- 18 a. with scienter, employed devices, schemes, or artifices to
19 defraud;
- 20 b. obtained money or property by means of untrue statements of a
21 material fact or by omitting to state a material fact necessary in
22 order to make the statements made, in light of the
23 circumstances under which they were made, not misleading; or
- 24 c. engaged in transactions, practices, or courses of business which
25 operated or would operate as a fraud or deceit upon the
26 purchaser.

27 32. By engaging in the conduct described above, the Defendants violated,
28 and unless restrained and enjoined will continue to violate, Section 17(a) of the

1 Securities Act, 15 U.S.C. § 77q(a).

2 **SECOND CLAIM FOR RELIEF**

3 **Fraud In Connection With The Purchase Or Sale Of Securities**
4 **Violations of Section 10(b) of the Exchange Act and Rule 10b-5 Thereunder**
5 **(Against All Defendants)**

6 33. The Commission realleges and incorporates by reference paragraphs
7 1 through 29 above.

8 34. The Defendants, and each of them, by engaging in the conduct
9 described above, directly or indirectly, in connection with the purchase or sale of a
10 security, by the use of means or instrumentalities of interstate commerce, of the
11 mails, or of the facilities of a national securities exchange, with scienter:

- 12 a. employed devices, schemes, or artifices to defraud;
- 13 b. made untrue statements of a material fact or omitted to state a
14 material fact necessary in order to make the statements made, in
15 the light of the circumstances under which they were made, not
16 misleading; or
- 17 c. engaged in acts, practices, or courses of business which
18 operated or would operate as a fraud or deceit upon other
19 persons.

20 35. By engaging in the conduct described above, the Defendants violated,
21 and unless restrained and enjoined will continue to violate, Section 10(b) of the
22 Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R.
23 § 240.10b-5.

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THIRD CLAIM FOR RELIEF

**Aiding and Abetting Violations of Section 10(b) of the
Exchange Act and Rule 10b-5 Thereunder
(Against Defendant MCC)**

36. The Commission realleges and incorporates by reference paragraphs 1 through 29 above.

37. In the alternative, by engaging in the conduct described above, MCC, directly or indirectly, in connection with the purchase or sale of securities, by the use of means or instrumentalities of interstate commerce, or the mails, with scienter:

- a. employed devices, schemes, or artifices to defraud;
- b. made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and
- c. engaged in acts, practices, or courses of business which operated or would operate as a fraud or deceit upon other persons, including purchasers and sellers of securities.

38. By engaging in the conduct described above, MCC knowingly provided substantial assistance to violations of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, and therefore is liable as an aider and abettor pursuant to Section 20(e) of the Exchange Act, 15 U.S.C. § 78t(e).

39. Unless restrained and enjoined, MCC will continue to violate and aid and abet violations of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5.

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PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that the Court:

I.

Issue findings of fact and conclusions of law that the Defendants committed the alleged violations.

II.

Issue judgments, in forms consistent with Fed. R. Civ. P. 65(d), temporarily, preliminarily, and permanently enjoining the Defendants and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with any of them, who receive actual notice of the judgment by personal service or otherwise, and each of them, from violating Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), and Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5, and with regard to MCC, in the alternative, from aiding and abetting violations of Section 10(b) and Rule 10b-5.

III.

Issue, in a form consistent with Fed. R. Civ. P. 65, a temporary restraining order and a preliminary injunction freezing the assets of MCHI, MCC, and MP VI and any entity affiliated with any of them, appointing a receiver over MCHI, MCC, and MP VI, prohibiting each of the Defendants from destroying documents, granting expedited discovery, and requiring accountings from each of the Defendants.

IV.

Order each of the Defendants to disgorge all ill-gotten gains from their illegal conduct, together with prejudgment interest thereon.

V.

Order each of the Defendants to pay civil penalties under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act,

1 15 U.S.C. § 78u(d)(3).

2 VI.

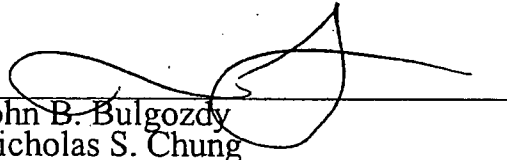
3 Retain jurisdiction of this action in accordance with the principles of equity
4 and the Federal Rules of Civil Procedure in order to implement and carry out the
5 terms of all orders and decrees that may be entered, or to entertain any suitable
6 application or motion for additional relief within the jurisdiction of this Court.

7 VII.

8 Grant such other and further relief as this Court may determine to be just and
9 necessary.

10
11 Dated: July 16, 2009

Respectfully submitted,

12
13 
14 John B. Bulgozdy
15 Nicholas S. Chung
16 Morgan B. Ward Doran
17 Attorneys for Plaintiff
18 Securities and Exchange Commission
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION

PLAINTIFF(S)

v.

MEDICAL CAPITAL HOLDINGS, INC.; MEDICAL
CAPITAL CORPORATION; MEDICAL PROVIDER
FUNDING CORPORATION VI; SIDNEY M. FIELD;
and JOSEPH J. LAMPARIELLO

DEFENDANT(S).

CASE NUMBER

SACV09-818 DOC(RNBX)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

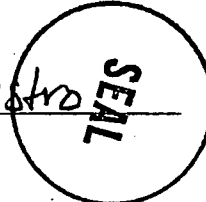
Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, John B. Bulgozdy/Nicholas S. Chung, whose address is SEC/LARO, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUL 16 2009

By: Nancy Castro
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> SECURITIES AND EXCHANGE COMMISSION		DEFENDANTS Medical Capital Holdings, Inc., Medical Capital Corporation, Medical Provider Funding Corporation VI, Sidney M. Field, Joseph J. Lampariello Orange County																									
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) John Bulgozdy and/or Nicholas S. Chung (323) 965-3998 Securities and Exchange Commission 5670 Wilshire Boulevard, 11th Floor, Los Angeles California 90036		Attorneys (If Known) John F. Libby (310) 312-4000 Manatt, Phelps & Phillips, LLP 11355 West Olympic Boulevard Los Angeles, California 90064																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1" style="width:100%"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																						
IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) The Complaint alleges violations of the federal securities laws. 15 U.S.C. § 77q(a); 15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5 thereunder.																											
VII. NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width:100%"><tr><td style="width:25%; vertical-align: top;">OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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FOR OFFICE USE ONLY: Case Number: **SACV09-818 DOC(RNBX)**
AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Medical Capital Holdings, Inc. - Orange County; Medical Capital Corporation - Orange County; Sidney M. Field - Orange County; and Joseph J. Lampariello - Orange County	Medical Provider Funding Corporation VI - Nevada; Joseph J. Lampariello - New York

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Michelle S. Kelly* Date July 16, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV09- 818 DOC (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.